

# House File 498 - Introduced

HOUSE FILE 498

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## A BILL FOR

1 An Act relating to the registration of hunting and fishing  
2 outfitters or hunting and fishing guides and providing a  
3 penalty.  
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1     Section 1. NEW SECTION. 483A.29 Registration of hunting and  
2 fishing outfitters or hunting and fishing guides — penalty.

3     1. As used in this section, unless the context otherwise  
4 requires:

5     a. "*Compensation*" means payment of, or agreement to pay,  
6 any money, thing of value, or personal or financial benefit  
7 conferred in return for labor or services.

8     b. "*Hunting or fishing outfitter*" or "*hunting or fishing*  
9 *guide*" means a person who receives compensation in return for  
10 the provision of outfitter services to a hunter or fisher.

11     c. "*Outfitter services*" means services defined by the  
12 commission by rule, which shall include but not be limited  
13 to the provision of hunting or fishing outfitters or hunting  
14 or fishing guides, equipment, stands, blinds, decoys,  
15 boats, access to land or waters to be hunted or fished, and  
16 transportation to and from such land or waters to a hunter or  
17 fisher.

18     2. A person shall not engage in or be employed for any  
19 compensation in the business of a hunting or fishing outfitter  
20 or a hunting or fishing guide in this state unless the person  
21 is registered as a hunting or fishing outfitter or a hunting  
22 or fishing guide with the department. A person who provides  
23 access to that person's private property for hunting or fishing  
24 without compensation shall not be considered a hunting or  
25 fishing outfitter or hunting or fishing guide who is subject to  
26 registration pursuant to this section. A person who primarily  
27 provides hunting or fishing equipment at retail shall not  
28 be considered a hunting or fishing outfitter or hunting or  
29 fishing guide who is subject to registration pursuant to this  
30 section. The commission shall adopt, by rule, procedures for  
31 the registration of hunting or fishing guides or hunting or  
32 fishing outfitters.

33     a. The rules shall require an applicant for registration  
34 to identify all parcels of land or waters which are under the  
35 lawful control of the applicant, and identify the location and

1 acreage of any land or waters to be hunted or fished, and the  
2 equipment and services to be provided by the hunting or fishing  
3 outfitter or hunting or fishing guide. Information concerning  
4 the location and acreage of any land or waters to be hunted  
5 or fished shall be treated as a confidential record by the  
6 department pursuant to section 22.7, subsections 3 and 6.

7     *b.* An applicant shall not be registered as a hunting or  
8 fishing outfitter or hunting or fishing guide pursuant to  
9 this section if the person is or has been subject to the  
10 cancellation, suspension, or revocation of a license pursuant  
11 to section 481A.134 for a violation of chapter 481A, 481B,  
12 482, 483A, 484A, or 484B, or for the commission of trespass as  
13 defined in section 716.7 while hunting deer, or has pled guilty  
14 or been convicted of a violation of chapter 481A, 481B, 482,  
15 483A, 484A, or 484B, or of the violation of trespass as defined  
16 in section 716.7 while hunting deer, in violation of section  
17 481A.135, or if the person is or has been subject to the  
18 cancellation, suspension, or revocation of a similar license or  
19 has pled guilty or been convicted of the violation of a similar  
20 statute, or has pled guilty or been convicted of trespass while  
21 hunting deer in another state.

22     3. A hunting or fishing outfitter or hunting or fishing  
23 guide registered pursuant to this section shall verify with  
24 the department, as provided by rule, that any person to whom  
25 outfitter services are provided is properly licensed to hunt or  
26 fish in this state for the species sought by that person.

27     4. A hunting or fishing outfitter or hunting or fishing  
28 guide registered pursuant to this section is required to do all  
29 of the following when providing outfitter services to a hunter  
30 or fisher:

31     *a.* Prior to providing outfitter services to a hunter or  
32 fisher, supply the hunter or fisher with a written notice  
33 which specifies the types of services that will be provided,  
34 the cost of the services to be provided, and the refund policy  
35 concerning the services to be provided.

- 1     *b.* Be responsible for ensuring that each hunter or fisher  
2 to whom outfitter services will be provided has the necessary  
3 permits, stamps, and licenses prior to hunting or fishing.
- 4     *c.* Indicate clearly the boundaries of the land or waters to  
5 be hunted or fished and any special restrictions concerning the  
6 conduct of the hunting or fishing experience.
- 7     *d.* Make no guarantees as to the success of the hunting or  
8 fishing experience.
- 9     *e.* Make no misrepresentations concerning the facilities,  
10 prices, equipment, services, or hunting or fishing  
11 opportunities to be provided.
- 12    *f.* Not take or attempt to take any wildlife on behalf of a  
13 hunter or fisher to whom outfitter services are being provided.
- 14    *g.* Maintain a current log of hunters or fishers to whom  
15 outfitter services have been provided, the dates of the hunting  
16 or fishing experiences, the hunting or fishing license and  
17 permit numbers of the hunters or fishers to whom outfitter  
18 services have been provided, and harvest information for each  
19 hunting or fishing experience.
- 20    *h.* Maintain a map of the land or waters which are under the  
21 lawful control of the hunting or fishing outfitter or hunting  
22 or fishing guide and which identifies the location and acreage  
23 of the land and waters to be hunted or fished pursuant to the  
24 registration of the hunting or fishing outfitter or hunting or  
25 fishing guide. Information maintained on the map concerning  
26 the location and acreage of any land or waters to be hunted  
27 or fished shall be treated as a confidential record by the  
28 department pursuant to section 22.7, subsections 3 and 6.
- 29    5. Registration as a hunting or fishing outfitter or hunting  
30 or fishing guide pursuant to this section does not entitle the  
31 hunting or fishing outfitter or hunting or fishing guide to any  
32 hunting or fishing license or tag other than those licenses or  
33 tags the hunting or fishing outfitter or hunting or fishing  
34 guide may lawfully obtain for the outfitter's or guide's  
35 personal use.

1     6. Nothing in this section shall be construed to entitle a  
2 nonresident hunter or fisher to any hunting or fishing license  
3 or tag in this state other than those licenses or tags the  
4 nonresident hunter or fisher is otherwise eligible to lawfully  
5 obtain for the hunter's or fisher's use.

6     7. The commission shall establish, by rule, the annual fee  
7 for a hunting or fishing outfitter or hunting or fishing guide  
8 registration. In determining an annual fee, the commission  
9 shall consider the costs of providing for the registration and  
10 administering and enforcing this section.

11    8. This section does not apply to the activities of a  
12 hunting or fishing outfitter or hunting or fishing guide that  
13 are conducted on a hunting preserve pursuant to chapter 484B  
14 or 484C.

15    9. A person who violates this section or the rules adopted  
16 pursuant to this section is guilty of a serious misdemeanor for  
17 each violation.

18                                   EXPLANATION

19                   The inclusion of this explanation does not constitute agreement with  
20                   the explanation's substance by the members of the general assembly.

21    This bill provides for the registration of persons engaged  
22 in the business of a hunting or fishing outfitter or hunting  
23 or fishing guide. The bill defines a "hunting or fishing  
24 outfitter" or "hunting or fishing guide" as a person who  
25 receives compensation in return for providing outfitter  
26 services to a hunter or fisher. The bill defines "outfitter  
27 services" as services defined by the natural resource  
28 commission by rule, including but not limited to the provision  
29 of hunting or fishing outfitters or guides, equipment, stands,  
30 blinds, decoys, boats, access to land or waters to be hunted,  
31 and transportation to and from such land or waters to a hunter  
32 or fisher. The natural resource commission is directed to  
33 register hunting or fishing outfitters or hunting or fishing  
34 guides upon application and payment of an annual fee determined  
35 by rule of the commission. A person who provides access to

1 that person's private property for hunting or fishing without  
2 compensation or a person who primarily provides hunting or  
3 fishing equipment at retail is not considered a hunting or  
4 fishing outfitter or hunting or fishing guide who is subject  
5 to registration for purposes of the bill. An applicant shall  
6 identify all parcels of land or waters which are under the  
7 lawful control of the applicant, and identify the location  
8 and acreage of any land or waters to be hunted or fished, and  
9 the equipment and services to be provided by the hunting or  
10 fishing outfitter or the hunting or fishing guide. Information  
11 concerning the location and acreage of any land or waters to be  
12 hunted or fished shall be treated as a confidential record by  
13 the department of natural resources pursuant to Code section  
14 22.7, subsection 3, relating to trade secrets, and subsection  
15 6, relating to reports to public agencies, which if released  
16 would give advantage to competitors and serve no public  
17 purpose.

18 An applicant shall not be registered as a hunting or fishing  
19 outfitter or guide if the person is or has been subject to  
20 cancellation, suspension, or revocation of a license issued  
21 by the department of natural resources or has pled guilty or  
22 been convicted of such license violations or violations of  
23 similar statutes, or has pled guilty or been convicted of  
24 the commission of trespass while hunting deer, or has been  
25 subject to cancellation, suspension, or revocation of a similar  
26 license, or pled guilty or been convicted of trespass while  
27 hunting deer in another state.

28 A registered hunting or fishing outfitter or guide is  
29 required to verify with the department of natural resources, as  
30 provided by rule, that any person to whom hunting or fishing  
31 outfitter or guide services are provided is properly licensed  
32 to hunt or fish in this state for the species sought by that  
33 person.

34 The bill specifies the duties and responsibilities of a  
35 hunting or fishing outfitter or guide to a hunter or fisher to

1 whom outfitter services will be or are being provided.

2     Nothing in the bill is be construed to entitle a nonresident  
3 hunter or fisher to any hunting or fishing license or tag in  
4 this state other than those licenses or tags the nonresident  
5 hunter is otherwise eligible to lawfully obtain for the  
6 hunter's or fisher's use.

7     The bill does not apply to activities that are conducted on a  
8 hunting preserve.

9     A violator is guilty of a serious misdemeanor for each  
10 violation of the bill or rules adopted under the bill. A  
11 serious misdemeanor is punishable by confinement for no more  
12 than one year and a fine of at least \$315 but not more than  
13 \$1,875.